

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEPHTY CRUZ, ET AL

Plaintiff(s),

-against-

TME BUILDING MAINTENANCE, INC.

Defendant(s).

CIVIL CASE MANAGEMENT PLAN

(Judge Gerard E. Lynch)

07civ.6393(GEL)

After consultation with counsel for all parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

Defendants consider as breach of contract case, not ERISA. Defendants submitted jury demands.

1. The case is / is not to be tried by a jury. Scheduling of pre-trial practice should be arranged with a view to having the case ready for trial within approximately six months of the initial pre-trial conference.
2. Joinder of additional parties must be accomplished by June 9, 2008.
3. Amended pleadings may be filed until June 9, 2008.
4. All fact discovery is to be completed by May 27, 2008. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.
 - A. First request for production of documents, if any, to be served by Nov. 12, 2007.
 - B. Interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by Nov. 5, 2007. No other interrogatories are permitted except upon prior express permission of the Court.
 - C. Depositions to be completed by May 27, 2008.
 - i. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.

ii. Depositions shall proceed concurrently.

iii. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

iv. No depositions shall be extended beyond two business days without prior leave of the Court.

D. Experts, if any, are to be designated by May 27, 2008, and experts' reports exchanged no later than June 23, 2008. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth above.

E. Requests to Admit, if any, are to be served no later than June 23, 2008.

5. Dispositive motions are to be served and filed by June 23, 2008.
Answering papers are to be served and filed by July 24, 2008.
Reply papers are to be served and filed by August 7, 2008.

All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.

7. Counsel consent to trial by a U.S. Magistrate Judge.

Yes _____ No _____

NEXT CASE MANAGEMENT CONFERENCE _____
(To be completed by the Court)

Dated:
New York, New York

SO ORDERED:

GERARD E. LYNCH
United States District Judge